
From: Selina MacLaren
Sent: Wednesday, July 08, 2015 3:07 PM
To: auerbach@mjaesq.com
Cc: Keith Forst; Eric Lyttle; Meghan McCaffrey
Subject: Rio Tinto v. Vale, et al.

Dear Martin,

During our June 29, 2015 meet and confer, VBG agreed to formally request that Vale cooperate and participate in identifying which current Vale employees were former VBG employees, and whether Vale has access to responsive emails and other documents from those employees. To be clear, we do not think any "formal" request is necessary. Rather, both VBG and Vale should be working together, without our formal urging, to collect and produce any VBG documents that may be in Vale's possession. VBG has the right to obtain those documents and should have obtained them long ago. To date, however, that has not happened, and we reserve all corresponding rights. Nevertheless, we offer the following draft email below for you to send to Vale to ensure that VBG complies with its discovery obligation to produce responsive documents.

As agreed during the June 29, 2015 meet and confer between VBG, Vale, and Rio Tinto, and in accordance with Judge Peck's June 22 order, we write, at your request, to formally enlist your assistance in promptly responding to Rio Tinto's Interrogatories and Discovery Requests to VBG, as VBG is obligated to do. See Hrg Tr. 6/22/15 at 4:22-7:20. I have enclosed Rio Tinto's requested discovery, as answered by VBG. I understand that Vale at least has custodial documents and information for five former VBG custodians—namely, Barry Oumarou, Cheick Diawaram, Joao Vidoca, Sadio Camara, and Telesphore Tchatcho. I know that Messrs. Vidoca and Tchatcho undoubtedly have responsive information to Rio Tinto's discovery requests. I therefore ask that you send me all of their custodial emails and electronic documents from January 1, 2008 onward. As to the other three former VBG custodians, please provide me with a written description of who they are, what they did at VBG, and to whom they reported while at VBG. From there, we need to further identify any additional former VBG custodians for which Vale may still have emails and documents. I can only assume that Vale can easily obtain and access this information, perhaps as simply as by talking to current Vale employees who previously worked at VBG. I look forward to your prompt response and active participation in helping VBG locate and produce responsive information.

As we wait for Vale's response, Martin, please provide a further description of Joao Vidoca and Telesphore Tchatcho and the roles they played related to Simandou, the Zogota Project, and/or the Vale-BSGR Transaction. Thank you for your cooperation.

Best,
Selina

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